

REMARKS

Claims 6-9, 17-20, and 24-26 are all the claims pending in the present application. The Examiner applies the same prior art references that were previously applied to support the claim rejections. Specifically, claims 6, 7, and 24 remain rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Hwang (WO 00/74275). Claim 8 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hwang in view of Bluetooth specifications (XP-002214950), hereinafter referred to as *Bluetooth*. Claim 9 remains rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hwang in view of Rinchiuso (U.S. Patent Application Publication No. 2002/0090004). Claim 17 remains rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hwang in view of Jokinen (U.S. Patent No. 6,266,330). Claim 19 remains rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hwang and Jokinen, and further in view of *Bluetooth*. Finally, claims 25 and 26 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

§112, First Paragraph, Rejections - Claims 25 and 26

On page 3 of the Office Action, the Examiner alleges that the limitation, “the number of transmittable frequency channels is subsequently obtained based on whether or not the data is received,” is not disclosed in the specification and is considered new matter. In response, Applicant respectfully directs the Examiner’s attention to the relevant descriptions of Fig. 8 on pages 12-13 of the specification, as well as page 3, line 6 - page 4, line 5. Applicant submits that at least based on the above-cited portions of the specification, the subject matter of claims 25 and 26 is disclosed in the specification. That is, one of ordinary skill in the art would understand that

the features described in claims 25 and 26 are at least implicitly supported by the cited portions of the specification, as originally filed.

Applicant respectfully requests the Examiner to contact the undersigned if he/she is not persuaded that the above-quoted features of claims 25 and 26 are supported by the specification.

§ 102(b) Rejections (Hwang) - Claims 6, 7, and 24

With respect to independent claim 6, Applicant previously argued that Hwang does not disclose or suggest at least, “a controller arranged to obtain a number of transmittable frequency channels of the counterpart wireless communication apparatus that the wireless communication apparatus intends to communicate with, by transmitting data to the counterpart wireless communication apparatus through a plurality of frequency channels and determining whether the counterpart wireless communication apparatus receives the data in the respective channels,” as recited in claim 6. Further, Applicant argued that Hwang describes the channel construction of a base station. Specifically, Hwang describes the operations of the controller 101, the pilot channel generator 103, the sync channel generator 104, the short sync channel generator 105, and the paging channel generator 106 of the base station in Fig. 1 of Hwang. The Examiner alleges that the controller 101 processes messages received on a forward dedicated control channel. However, even if, *arguendo*, the controller 101 performs the functions alleged by the Examiner, nowhere is it taught or suggested that a number of transmittable channels of a counterpart wireless communication apparatus is obtained by transmitting data to the counterpart wireless apparatus through a plurality of frequency channels. Further, the Examiner believes that the message processed by the controller 101 indicates the number of supplemental channels required by the counterpart wireless apparatus. This assertion by the Examiner is not supported anywhere in Hwang. In the *Response to Arguments* section of the present Office Action, the Examiner

essentially repeats the same arguments that are set forth in the respective bodies of the present and previous Office Actions, except the Examiner adds, "Hwang further discloses a method of assigning and releasing the number of supplemental channels. See page 8, lines 29-25." Since the Examiner does not substantially change or augment his previous arguments, Applicant maintains the previous arguments and also submit that, even if, *arguendo*, Hwang discloses assigning and releasing supplemental channels, nowhere is it taught or suggested that a number of transmittable channels of a counterpart wireless communication apparatus is obtained by transmitting data to the counterpart wireless apparatus through a plurality of frequency channels.

Applicant submits that claim 7 is patentable at least by virtue of its dependencies from independent claim 6.

Applicant maintains that independent claim 24 is patentable at least based on reasons similar to those set forth above with respect to claim 6.

§ 103(a) Rejection (Hwang /Bluetooth) - Claim 8

Applicant maintains that dependent claim 8 is patentable at least by virtue of its dependency from independent claim 6. Bluetooth fails to make up for the deficiencies of Hwang.

§ 103(a) Rejections (Hwang /Jokinen) - Claims 17 and 20

Applicant maintains that independent claim 17 is patentable at least based on reasons similar to those set forth above with respect to claim 6. Jokinen fails to make up for the deficiencies of Hwang.

Applicant maintains that dependent claims 18 and 20 are patentable at least by virtue of their dependency from claim 17.

§ 103(a) Rejection (Hwang /Jokinen/Bluetooth) - Claim 19

Applicant maintains that dependent claim 19 is patentable at least based by virtue of its dependency from independent claim 17. Bluetooth fails to make up for the deficiencies of the other references.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Diallo T. Crenshaw
Registration No. 52,778

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: July 31, 2007